

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARATHON RESOURCE
MANAGEMENT GROUP, LLC

Plaintiff,

v.

C. CORNELL, INC. D/B/A
CERTA PRO PAINTERS OF COLLEGE
STATION,

Defendant.

Civil Action No. 3:19cv89

NOTICE OF REMOVAL

C. Cornell, Inc. d/b/a CertaPro Painters of College Station (“CCI”), the defendant in the above styled action, respectfully states:

1. On or about December 20, 2018, the plaintiff, Marathon Resource Management Group, LLC (“Marathon”) filed a Complaint in the Circuit Court for the City of Richmond, Virginia, styled *Marathon Resource Management Group, LLC v. C. Cornell, Inc. d/b/a Certa Pro Painters of College Station*, Case No. CL18006268-00.

2. On or about January 24, 2019, CCI, through its registered agent, Clifton C. Cornell, received service of a copy of the Summons and the Complaint, copies of which are attached hereto as Exhibits A and B.

3. This action is a civil action between the plaintiff, Marathon, a Virginia citizen, (Complaint¹, ¶ 1), and CCI, a foreign² corporation, maintaining its principal place of business in

¹ Hereinafter, the Complaint in the above styled matter will simply be referenced as “Compl.”

² In addition to having its principal place of business in Texas, CCI proffers that it is a Texas corporation because it was incorporated in Texas, as reflected in its certificate of incorporation, attached to the Motion to Dismiss as Exhibit 2. *See* 28 U.S.C. 1332(c)(1).

College Station, Texas. (Compl., ¶¶ 2, 4.) This action seeks the monetary damages in the amount of \$115,263.00. (Compl., Ad Damnum, ¶3.)

4. The Complaint alleges that CCI breached a written contract that it allegedly entered into with Marathon. (Compl., ¶¶ 11–26.) The amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs.

5. This Court has original jurisdiction of this action on the basis of diversity of citizenship under 28 U.S.C. §1332, and removal jurisdiction under 28 U.S.C. § 1441(a).

6. The United States District Court for the Eastern District of Virginia, Richmond Division, is the district court, and the division thereof, embracing the place where plaintiff's state court action is pending.

7. CCI files this Notice of Removal within thirty (30) days after receiving service of the initial pleading in accordance with 28 U.S.C. §1446(b).

8. CCI will provide written notice of the filing of this Notice of Removal to Marathon as required by 28 U.S.C. §1446(d).

9. On February 11, 2019, CCI filed a Motion to Dismiss with the Clerk for the Circuit Court for the City of Richmond, Virginia attached hereto as Exhibit C.

10. On or about February 12, 2019, CCI will also file with the Clerk for the Circuit Court for the City of Richmond, Virginia, a Notification of Filing of Notice of Removal in the form attached as Exhibit D hereto, along with a copy of this Notice of Removal, as required by 28 U.S.C. § 1446(d). Exhibits A–D constitute all of the process, pleadings and orders served on the defendant, CCI, and/or filed in this matter.

WHEREFORE, the defendant, CCI, requests this action proceed in this Court as an action properly removed hereto.

Date: February 12, 2019

Respectfully Submitted,

**C. CORNELL, INC. D/B/A
CERTAPRO PAINTERS OF
COLLEGE STATION**

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2019, a true and exact copy of the foregoing Notice of Removal was mailed, first-class, postage prepaid, and sent via e-mail to counsel for the plaintiff:

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